

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

John Green, Jr.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-920-KAJ
	)	
CAPE HENLOPEN SCHOOL DISTRICT	)	
MORRIS, JAMES, HITCHENS &	)	
WILLIAMS LLP, JENNIFER BRIERLEY,	)	
ESQUIRE, GARY R. SPRITZ, ESQUIRE	)	
VICKI MCGINLEY, NANCY	)	
HORSTMANN, SECRETARY OF	)	
EDUCATION VALERIE S. WOODRUFF,	)	
KRIS BATTAGLINI, SHANNON	)	
PALMER	)	
	)	
Defendants.	)	

**STATE DEFENDANTS' MOTION FOR EXTENSION OF TIME  
TO FILE AN ANSWER**

**COMES NOW**, Defendants, Gary R. Spritz, Esquire, Dr. Vicki McGinley, Nancy Horstmann, and Secretary of Education Valerie S. Woodruff (State Defendants), by and through their attorneys, and hereby move this Honorable Court to enter an order as follows:

1. On August 4, 2004, Plaintiff, John Green, Jr., filed a "Notice of Appeal and Complaint." On October 15, 2004, Defendants filed an Opening Brief and a Motion to Dismiss the Complaint on all counts in accordance with Federal Rules of Civil Procedure 12(b)(1) and 12 (b)(6). On May 13, 2005, Mr. Green Filed an Answering Brief to the Motion to Dismiss. On May 31, 2005, the Defendants filed a Reply Brief in regards to the Motion to Dismiss.
2. On December 13, 2005, the Court issued an order granting in part,

dismissing in part, Defendants' Motion to Dismiss.

3. In accordance with Fed. R. Civ. P. 12 the State Defendants' (Spritz, Horstmann, McGinley, and Woodruff) Answer to the Complaint is due within 10 days after service, on or about December 28, 2005.

4. Counsel for the State Defendants have previously scheduled vacation on or about the latter portion of December 2005. In addition, Defendant Secretary of Education Valerie Woodruff also has previously scheduled vacation on or about the week of December 25, 2005.

5. Counsel for the Department of Education has contacted Mr. Green and Mr. David Williams, Esq., and both have advised that they do not object to the requested extension of time.

WHEREFORE, Defendants respectfully request an extension of time until January 13, 2006 to file an Answer to the Complaint filed by Mr. Green.

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Craig R. Fitzgerald  
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Attorney for Secretary of  
Education Valerie Woodruff

Dated: December 19, 2005

**DEPARTMENT OF JUSTICE  
STATE OF DELAWARE**

/s/ Mary Cooke  
Mary Cooke (#3441)  
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Esq., Dr. Vicki McGinley, and  
Nancy Horstmann

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VICKI MCGINLEY, NANCY	)	
HORSTMANN, SECRETARY OF	)	
EDUCATION VALERIE S. WOODRUFF,	)	
KRIS BATTAGLINI, SHANNON	)	
PALMER	)	
	)	
Defendants.	)	

**STATEMENT PURSUANT TO LOCAL RULE 7.1.1**

Pursuant to Local Rule 7.1.1, the undersigned counsel for State Defendants have made a reasonable effort to reach agreement with Plaintiff on State Defendants' request for an extension of time, and Plaintiff advised he does not object to the requested extension of time.

/s/ Craig R. Fitzgerald

/s/ Mary Cooke

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Craig R. Fitzgerald (#3730)  
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Department of Justice  
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Esq., Dr. Vicki McGinley,  
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EDUCATION VALERIE S. WOODRUFF,	)	
KRIS BATTAGLINI, SHANNON	)	
PALMER	)	
	)	
Defendants.	)	

**ORDER**

**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, that State  
Defendants' Motion for Extension of Time To File An Answer is hereby **GRANTED**.

\_\_\_\_\_  
The Honorable Kent A. Jordan

***CERTIFICATE OF MAILING AND/OR DELIVERY***

I hereby certify that on December 19, 2005, I electronically filed the Motion for Extension of Time with the Clerk of the Court using CM/ECF which will send notification of such filing to the following: David Williams, Esquire. I hereby certify that on December 19, 2005, I have mailed the document by regular mail to the following non-registered participant:

Mr. John Green  
Box 143  
17252-9 N. Village Main Blvd.  
Lewes, DE 19958

/s/ Craig R. Fitzgerald  
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